

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MCOM IP, LLC,

Plaintiff,

v.

BACKBASE U.S.A. INC.,

Defendant.

No. 1:22-cv-02046-CM

**DEFENDANT’S NOTICE OF STATUS REPORT ON PLAINTIFF’S IPR PURSUANT  
TO THE COURT’S MARCH 24, 2023 ORDER [DOC. 31]**

Pursuant to the Court’s Order [Doc. 31] of March 24, 2023 directing the parties to report on the status of IPR2022-00055, Defendant submits this Notice in response.

The Patent Trial & Appeal Board (PTAB) of the United States Patent & Trademark Office issued a Final Written Decision on IPR2022-00055 on February 8, 2023. The PTAB determined the challenged claims in the *Inter Partes* Review (IPR) proceeding are unpatentable in view of prior art references.

Either party to the IPR proceeding has 60 days after the date of the Final Written Decision to file a Notice of Appeal for an appeal of the Final Written Decision to the Court of Appeals for the Federal Circuit. *See* 35 U.S.C § 142. Plaintiff’s deadline to file a Notice of Appeal is April 8, 2023.

While Defendant agrees with Plaintiff on the status of the IPR, Defendant believes that Plaintiff’s scheduling conference request is premature. Defendant proposes instead that the parties provide an additional status update after the April 8, 2023 Notice of Appeal filing deadline in order to be able to inform the Court as to whether an appeal of the Final Written Decision has been filed with the Federal Circuit.

Respectfully submitted this 29th day of March, 2023.

/s/ N. Andrew Crain

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N. Andrew Crain (*pro hac vice*)

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2023, the foregoing was filed using the Court's ECF system, which will automatically send electronic notice of such filing to all attorneys of record.

/s/ N. Andrew Crain

N. Andrew Crain